

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 28, 2003  
5:00 P.M.**

Pursuant to the proper notification, the Durham City Council held a special meeting on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Records Management Coordinator Tonette Amos.

Mayor Bell called the special meeting to order.

City Manager Conner requested that the following items be added to the agenda: Approval of Contracts for Turning Point Street Gang Initiative Symposium and a Resolution Expressing the Support of the Durham City Council For Senate Bill 992/House Bill 967.

City Attorney Blinder requested a closed session after the special meeting.

**[EXCUSE COUNCIL MEMBER EDWARDS]**

**MOTION** by Council Member Cole-McFadden seconded by Council Member Clement to excuse Council Member Edwards from the special meeting was approved by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REPORT FROM THE CITY'S ADMINISTRATION ON THE  
AMERICAN TOBACCO REDEVELOPMENT PROJECT**

Elizabeth Stoeber made a presentation on the American Tobacco Project.

Several Council Members asked about Capitol's contracting with minority and women owned businesses.

**MOTION** by Council Member Stith seconded by Council Member Clement to receive a report from the City's Administration on the American Tobacco Project was approved at 5:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

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**SUBJECT: ECONOMIC DEVELOPMENT INCENTIVE PACKAGE**

Director of Economic Development Alan DeLisle made a presentation on the American Campus Findings Statement.

Mayor Bell opened the public hearing,

Bill Kalkof, representing Downtown Durham, Inc., spoke in support of this item.

Steve Matherly, representing the People's Alliance, asked the Council to proceed wisely in order for the public not to be stuck with an unnecessary bill and suggested that governments steer clear of offering the cash incentives.

Ralph McKinney made comments on this item.

Ted Conner, representing the Durham Chamber of Commerce, spoke in support of the economic incentive agreement.

Mayor Bell closed the public hearing

Mayor Pro Tempore Cheek noted he would be abstaining because his law firm has participated on behalf of the developer.

**MOTION** by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the economic development incentive package for the American Tobacco Project;

To approve and adopt the Findings Statement [See Attachment #1 for Findings Statement] was approved at 5:52 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Absention: Mayor Pro Tempore Cheek. Excused Absence: Council Member Edwards.

**SUBJECT: URBAN DEVELOPMENT AND DOWNTOWN DEVELOPMENT  
PROJECT RESOLUTION**

Acting Finance Director Ken Pennoyer made comments on this resolution.

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a "Resolution Finding the American Tobacco Project to be an Urban Development and Downtown Development Project, Determining that the Price to

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be Paid for the North Garage and the City's Interest in the East Garage is Reasonable, Approving Project Agreements, and Related Matters" was approved at 6:13 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Excused Absence: Council Member Edwards.

**Resolution #8995**

**SUBJECT: AMERICAN TOBACCO SPECIAL COUNSEL CONTRACT  
EXTENSION – PARKER, POE, ADAMS & BERNSTEIN**

**MOTION** by Council Member Clement seconded by Council Member Stith to authorize the City Manager to increase the dollar amount of the contract with the City's special bond counsel on certificates of participation, Parker, Poe, Adams & Bernstein, for legal representation on the American Tobacco Project by \$20,000 from \$150,000 to \$170,000 was approved at 6:14 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Excused Absence: Council Member Edwards.

**SUBJECT: AMERICAN TOBACCO - CERTIFICATES OF PARTICIPATION**

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a "Resolution of the City Council of the City of Durham, North Carolina, Authorizing the Negotiation of an Installment Purchase Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto" was approved at 6:14 p.m. by the following vote: Ayes: Mayor Bell and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Abstention: Mayor Pro Tempore Cheek. Excused Absence: Council Member Edwards.

**Resolution #8996**

**[ITEMS ADDED TO THE AGENDA]**

**SUBJECT: APPROVAL OF CONTRACTS FOR TURNING POINT  
STREET GANG INITIATIVE SYMPOSIUM**

**MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to execute contracts listed below pending compliance review and pre-audit; and

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To authorize the City Manager to make changes to the contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 6:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

Contract	Service	Amount
Luis Paul Cardona	Speaker	\$1,250.00
Jerel A. Eaglin	Speaker	\$1,250.00
Richard Santana	Speaker	\$1,250.00
3 <sup>rd</sup> Domension	Entertainer	\$ 500.00
Zane Copeland	Entertainer	\$2,000.00

**SUBJECT : SENATE BILL 992/HOUSE BILL 967**

**MOTION** by Council Member Clement seconded by Council Member Stith to adopt a Resolution Expressing The Support of the Durham City Council for Senate Bill 992/House Bill 967 and to support the Legislative Agenda recommended by the Durham Crime Cabinet distributed at the April 24, 2003 City Council Work Session was approved at 6:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**Resolution #8997**

**SUBJECT: SENATE BILL 214**

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to authorize the Mayor, on behalf of the City Council, to send a letter to the Durham Delegation in support for the Research and Production Service Deannexation (SB 214) was approved at 6:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**[CLOSED SESSION]**

**MOTION** by Council Member Clement seconded by Council Member Cole-McFadden to hold a closed session for attorney-client consultation in the matter of the settlement of

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a claim by RD Construction, Inc. against the City of Durham, pursuant to G.S. 143-318.11(a)(3) was approved at 6:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**MOTION** by Council Member Clement seconded by Council Member Stith to return to open session was approved at 6:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

No action was taken.

There being no further business to come before the City Council, the special meeting was adjourned at 6:40 p.m.

D. Ann Gray, CMC  
City Clerk